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Judges' Retirement System

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California Public Employees' Retirement System

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Judges' Retirement System Member Booklet

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Membership

The Judges' Retirement System (JRS) was established on August 27, 1937, by Chapters 770 and 771, Statutes of 1937, the Judges' Retirement Act and Judges' Retirement Fund Act, respectively. Membership includes justices of the Supreme Court or the District Court of Appeal and judges of a superior or municipal court appointed or elected before November 9, 1994.

Contributions

As a member of the JRS, a portion of your monthly salary (currently 8 percent) is deducted each month and put into your account in the Judges' Retirement Fund (JRF). If you are a Supreme Court or appellate court justice or a superior court judge, you do not pay income taxes on your contributions until you retire or receive a refund. If you are a municipal court judge, you may or may not pay income taxes on your contributions, depending on the county in which you work. The amount of your accumulated contributions is shown on your JRS Annual Member Statement, which is mailed to you after the end of each fiscal year.

The state also contributes an amount equal to 8 percent of your salary into your account in the JRF. Your contributions, along with the state's contributions, earnings from investments, and other sources (specific court filing fees and General Fund appropriations) pay for your retirement and death benefits.

Refund of Contributions

A refund of contributions terminates your JRS membership, and you will not be eligible for any benefits from the System. You must accept a refund of your contributions under the following circumstances:

- if you leave office prior to retirement and you have less than five years service credit; OR
- if you plead guilty or no contest or are found guilty of a crime committed while holding office which is punishable as a felony under California or federal laws and which involves moral turpitude or was committed in the course and scope of your duties.

Redepositing Withdrawn Contributions

If you are re-appointed or elected to a judicial position after being paid your contributions for separating with less than five years service, you may redeposit your withdrawn contributions, plus interest from the date of withdrawal to the date of redeposit, and restore corresponding service credit.

Please Note

This booklet applies to those elected to a judicial position prior to November 9, 1994. If you were elected on or after November 9, 1994, please refer to our booklet **Judges' Retirement System II**, JRS-JUD-2.

Service Credit

You earn service credit for the time you hold office as a judge, computed in years and fractions of years. If you would be eligible for service or disability retirement if your service included an additional 60 days, you may be credited with the necessary service up to 60 days.

You may be able to claim additional service credit in the JRS for certain types of previous employment if you are not credited for the service under any other public retirement system. To purchase the service credit, you must pay a sum equal to the amount which would have been deducted from your salary and paid into the fund had you been a judge during the time for which you are purchasing service credit, plus any applicable interest.

Previous employment which may be applied toward prior service credit includes:

- service as a “judge of an excluded court.” This includes service as a judge of a justice court or a judge, justice of the peace, or recorder of a court provided for by law prior to January 1, 1952.
- service as an “elected state constitutional officer” (e.g., governor, legislator, etc.) if you became a judge after May 1, 1962, and your service in the state office ended prior to January 1, 1986. You may make more than one election. If you became a judge after October 1, 1961, you must serve six years before you can claim this prior service.

You may purchase all or any portion of the previous service. You must elect to claim prior service credit prior to retirement. If you think you qualify for prior service credit, contact the JRS.

Retirement Options

Several retirement options are available to you. We advise you to carefully review the benefits of each to determine which is best for your particular situation.

Service Retirement

Section 75025

To qualify for a service retirement, you must be at least age 60 with 20 years of service. The service requirement decreases from age 66 to age 70, at which age you must have 10 years of service. If your term expires within 60 days of reaching the age or service requirement necessary for retirement, you will be considered eligible for retirement under Section 75025.

Your retirement allowance will equal a percentage of the current salary of the judicial office you last held. The percentage you receive is based on your age and years of service. Increases in judicial salary increase your retirement allowance proportionately.

The following table shows retirement allowance percentages based on age and service:

| Retirement Age | Years of Service | Retirement Allowance |
|----------------|------------------|----------------------|
| 60 - 70 | 20 | 75 percent |
| 66 | 18 | 65 percent |
| 67 | 16 | 65 percent |
| 68 | 14 | 65 percent |
| 69 | 12 | 65 percent |
| 70 | 10 | 65 percent |
| 70+ | 10 | 50 percent |

If you do not retire by the end of the term in which you reach age 70, your maximum retirement allowance will be 50 percent, and benefits to your surviving spouse will be eliminated unless you take an actuarially reduced allowance and select an optional settlement (see Survivor Benefits).

For more information on working past your 70th birthday, see the section on Senior Judge Status.

Senior Judge Status

Section 75028.1

You may apply to the Chairperson of the Judicial Council for senior judge status, if you:

- retired before July 1, 1985, and are at least age 60; OR
- left office on or after July 1, 1985, at age 60 or older with 20 years or more of service credit in JRS; OR
- apply for retirement effective after age 69 1/2 but before the end of the term in which you reach age 70.

Senior judge status allows you to continue to serve as a judge for up to five consecutive years after retirement. You must serve full-time as assigned, and you waive the right to refuse any assignment.

While on senior judge status, you will be paid by the state at a rate equal to that received by a judge of the court from which you retired or a judge of the court to which you are assigned. You will not receive a retirement allowance, make retirement contributions, or earn additional service credit for retirement purposes. You will, however, receive the same health benefits as active judges, including the state's contribution. You also protect your retirement allowance percentage, which will not be reduced to 50 percent even though you may work beyond your 70th birthday.

Your senior judge status will be terminated at the end of five years unless you request that it be terminated earlier, you fail to perform as assigned, or the Commission on Judicial Performance so orders. Upon termination, you will receive the retirement benefits you were eligible for when you elected senior judge status.

If you die while on senior judge status, your spouse will receive the surviving spouse benefit provided in the section under which you retired.

Deferred Retirement

Section 75033.5

If you have at least five years of judicial service, and prior to the end of the term in which you reach age 70, you may retire under deferred retirement. However, you will not receive a retirement allowance until:

- you reach the age at which you would have been eligible to retire for age and service under Section 75025 if you had remained continuously in office up to that age (see the table under Service Retirement section); AND
- you are at least age 63, or age 60 if you have 20 years of judicial service.

For example, if you are age 60 with 19 years of judicial service, you may retire and then receive your retirement allowance upon reaching age 63. Or, if you are age 63 with 19 years of judicial service, you may retire and then receive your retirement allowance at age 64.

If you are eligible for service retirement when you elect deferred retirement, you will receive your retirement allowance immediately.

Your retirement allowance is based on your years of service (not to exceed 20) multiplied by a percentage (2 percent to 3.75 percent) based on the number of years of service. The following table shows only whole years. However, a fraction of a year is prorated and included in your retirement calculation.

| Years of Service | Percent per Year of Service | Total Percentage |
|-------------------------|------------------------------------|-------------------------|
| 5 | 2.00 | 10.00 |
| 6 | 2.25 | 13.50 |
| 7 | 2.50 | 17.50 |
| 8 | 2.75 | 22.00 |
| 9 | 3.00 | 27.00 |
| 10 | 3.25 | 32.00 |
| 11 | 3.50 | 38.50 |
| 12 | 3.75 | 45.00 |
| 13 | 3.75 | 48.75 |
| 14 | 3.75 | 52.50 |
| 15 | 3.75 | 56.25 |
| 16 | 3.75 | 60.00 |
| 17 | 3.75 | 63.75 |
| 18 | 3.75 | 67.50 |
| 19 | 3.75 | 71.25 |
| 20 | 3.75 | 75.00 |

Disability Retirement

Section 75060

If you become unable to discharge the duties of your office because of a mental or physical disability that is or is likely to become permanent, you may apply to the Commission on Judicial Performance (CJP) for disability retirement.

No age requirement exists for disability retirement. No length of service requirement exists for retirement due to a work-related disability. The service requirement to retire for a non-industrial disability, depends on when you first became a judge.

| Oath Date | Non-industrial Disability Service Requirement |
|--------------------|---|
| Prior to 1/1/90 | No service requirement |
| 1/1/80 to 12/31/88 | two (2) years |
| 1/1/89 or later | four (4) years |

Generally, a retirement for industrial or non-industrial disability will provide a benefit of 65 percent of judicial salary.

Survivor Benefits

Spouse

Pre-Retirement Death

If you die before you retire, the JRS will provide benefits to your surviving spouse. Your spouse may elect only one of the benefits that are available, and should carefully review each option before making an election.

Not Eligible to Retire

If you die before you are eligible to retire, your spouse will receive for life a monthly allowance equal to 25 percent of your judicial salary, less any workers' compensation benefits paid. This benefit is available to your spouse regardless of your length of service.

Or

If you elected and paid for a surviving spouse benefit (\$2 per month), and you have 10 to 20 years of service, your spouse could elect to receive for life or until remarriage a monthly allowance equal to 1.625 percent of judicial salary times your years of service (a

fraction of a year equals one year).

The following table shows this optional surviving spouse benefit percentage:

Or

If your spouse is also your designated beneficiary, he or she could elect to receive a return of your contributions plus one month's salary for each year you served up to a maximum of six months' salary. If your spouse predeceases you and you do not have a designated beneficiary, your estate will receive this benefit.

Eligible to Retire

If you die after you are eligible to retire, but before you retire, your surviving spouse will receive for life or until remarriage a monthly allowance equal to half of the allowance you would have received had you retired.

Post-Retirement Death

If you die after you retire under a service or disability retirement and you did not serve in a term

| Years of Service | Percent per Year of Service | Total Percentage |
|------------------|-----------------------------|------------------|
| 10 | 1.625 | 16.250 |
| 11 | 1.625 | 17.875 |
| 12 | 1.625 | 19.500 |
| 13 | 1.625 | 21.125 |
| 14 | 1.625 | 22.750 |
| 15 | 1.625 | 24.375 |
| 16 | 1.625 | 26.000 |
| 17 | 1.625 | 27.625 |
| 18 | 1.625 | 29.250 |
| 19 | 1.625 | 30.875 |
| 20+ | 1.625 | 37.500 |

beginning after your 70th birthday, your spouse will receive for life or until remarriage a monthly allowance equal to half of your allowance. If you became a judge on or after January 1, 1980, your spouse must have been married to you for at least one year prior to your retirement up to the date of your death to be eligible for benefits.

If you elect a deferred retirement, your spouse will receive for life a monthly allowance equal to half of your allowance. Payments would begin the day following your death if you were already receiving an allowance, or the day you would have started receiving an allowance if you die before that date.

If you retire after you begin a new term at age 70, your surviving spouse will not receive a monthly allowance unless you elect to take a reduced allowance and choose an optional settlement when you retire. The reduction to your allowance depends on the option you choose, your life expectancy at retirement and your spouse's life expectancy. You may elect one of several options. The two most popular options provide a lifetime monthly allowance to your spouse. Under one option, your spouse will receive the same allowance you were receiving. Under the other option, your spouse will receive half of the allowance you were receiving. You may elect an optional settlement at the time of your retirement, and you may change or revoke your election any time prior to receiving your first retirement warrant. Your election cannot be changed after retirement. For information on optional settlements, contact JRS.

Children

Survivor benefits will be paid to surviving children *only* if no benefits are payable to a surviving spouse.

To provide coverage for surviving children, you must elect to do so within six months of becoming a judge or within six months of acquiring a legal duty to support an eligible child, and you must contribute \$3 per month to the JRF. Contributions will continue after retirement if you have eligible children and you choose to continue the benefit coverage. You may revoke your election and make a re-election any time prior to retirement. Eligible children include your unmarried, dependent child or stepchild under age 18, or age 22 if he or she is a full-time student. In addition, an unmarried, dependent child over age 18 who is disabled by a condition which disabled that child prior to attaining age 18 and which has continued without interruption after age 18 is considered an eligible child.

Payments will be divided equally among the children and made directly to children over age 18, or to the guardian of children under age 18. Payments will continue until a child reaches age 18, or age 22 if a full-time student, or until a disabled child is no longer unmarried, dependent and disabled.

Pre-Retirement Death

Not Eligible to Retire

If you die before you are eligible to retire, your children will receive a monthly allowance equal to 25 percent of your judicial salary, less any workers' compensation benefits paid. Payments are divided equally if you have more than one eligible child.

Or

If you have at least 10 years of judicial service at the time of your death, your children (or their guardian) may elect to receive a monthly allowance equal to 1.625 percent of your judicial salary times your years of service to a maximum of 37.5 percent. (See table under Survivor Benefits, Spouse section.)

Or

If your children are your designated beneficiaries, they (or their guardian) could elect to receive a refund of your contributions plus one month's pay for each year you served up to a maximum of six months' pay.

Eligible to Retire

If you die after you are eligible to retire, but before you retire, your children will receive a monthly allowance equal to half of the allowance you would have received had you retired.

Post-Retirement Death

If you die after you retire, your children will receive a monthly allowance equal to half of the allowance you were receiving.

Please Note

Survivor benefits will be paid to surviving children only if no benefits are payable to a surviving spouse.

Applying For Retirement

To apply for service retirement or deferred retirement, you must apply to the Judges' Retirement System prior to your anticipated retirement date. Your effective retirement date may not be earlier than the date your application is received by the JRS. (Exception: If your term expires and you are eligible to retire, you may apply for retirement within 90 days of the expiration of your term. In this case, your retirement date would be the date your term ended.)

Your application may be in the form of a letter, or you may request an application from JRS. Please include a copy of your birth certificate with your application. To ensure timely processing, please submit your application to JRS 60 days before you intend to retire.

To apply for disability retirement, you must apply to the Commission on Judicial Performance and the Chief Justice. Once approved, the Commission will notify JRS, and we will send you the necessary forms.

Health Benefits

In order to continue your health and dental plans into retirement, you must be enrolled in a state sponsored plan, the Public Employees' Medical and Hospital Care Act (PEMHCA), at the time of retirement.

Before you retire, contact your health benefits officer or personnel office to find out what type of health insurance you have and whether you're covered under PEMHCA.

Health Plans Not Covered Under PEMHCA

If your current health plan is not covered under PEMHCA, ask your health benefits officer about keeping your present health care insurance or enrolling in a state sponsored plan during an open enrollment period prior to your retirement date. It is important that you do this before your retirement date.

Health Plans Covered Under PEMHCA

To participate in this program as a retiree, you must be enrolled in a California Public Employees' Retirement System (CalPERS) sponsored health plan on the date of your separation from employment.

- If you are eligible for federal Medicare benefits (Parts A and B), either at retirement or after retirement, state law prohibits your continued enrollment in a basic health plan. CalPERS offers a "Supplement to Medicare" plan which you will need to request. Immediately after receiving your federal Medicare card, contact JRS.

- If you first became a member of the JRS before January 1, 1985, you will receive 100 percent of the state's share of the health benefit premium. If you became a member after that date, the state's contribution is based on the date you became a member and your years of service. If you are nearing retirement, contact the JRS for information regarding your specific situation.

If you retire under 75033.5 and your allowance is deferred, you must pay the full health benefit premium until you start receiving your retirement allowance in order to have the state's share of the health benefit premium paid when your allowance commences. Once you start receiving your retirement allowance, the state's contribution will be based on the date you first became a member of the JRS and your years of service. To continue your CalPERS health plan under 75033.5, you must complete a Direct Payment form, HBD-21 prior to retirement.

If your family members are included in your health plan at the time of your death, their enrollment and the state's contribution will automatically continue, provided they receive a monthly allowance.

Other Considerations

Community Property

If you and your spouse divorce or legally separate, your spouse may be eligible to receive a portion of your retirement benefits.

Dental Insurance

Many of the same rules apply to dental insurance that apply to your health benefits coverage; however, some differences exist.

Electronic Fund Transfer (EFT)/Direct Deposit

When you retire, or any time after retirement, you may choose to have your retirement warrant electronically transferred to your financial institution. Contact JRS to request a direct deposit form.

Group Life Insurance

If you want to continue deductions for payment of group life insurance premiums, contact your group insurance office for authorization forms.

Reciprocity

JRS has limited reciprocity with CalPERS. This means that if you have contributions on deposit with CalPERS, you may have your CalPERS retirement benefits computed based on your judicial salary if you retire from CalPERS and JRS on the same date.

Social Security

During your employment as a judge covered under JRS, you do not pay Social Security taxes. If you have ever contributed to Social Security under different employment, check with your local Social Security office to inquire about your benefits.

Taxes

Your retirement allowance will be subject to both state and federal withholding. At the time of your retirement, you will be given the opportunity to make an election regarding tax withholding.

At retirement, we recommend that you make an appointment with representatives from the Internal Revenue Service and California Franchise Tax Board, or your private tax consultant or attorney, to obtain information regarding the taxability of your retirement allowance. JRS will provide you with the information they need to advise you in this matter.

Working After Retirement

You may work after retirement without affecting your retirement allowance under certain circumstances. For information about working as a judge on Senior Judge Status, please see the Senior Judge Status section under Retirement Options.

Service Retirement

Your retirement allowance will not be affected by any employment that does not require membership in JRS.

You are eligible for judicial assignment after you retire for service. When sitting on assignment after service retirement, you will continue to receive your retirement allowance. If the salary for the judicial position is greater than your allowance, you will receive a second warrant for the difference between your gross allowance and 92 percent of the salary of the assigned position.

Deferred Retirement

If you retire under Section 75033.5, you may practice law or accept any other gainful employment, other than certain federal offices, without affecting your retirement allowance.

You are eligible for judicial assignment after you elect deferred retirement. If you are not yet receiving your retirement allowance, you may accept the judicial salary. Once you begin receiving your retirement allowance, you will be paid in the same manner explained above under Service Retirement section.

Disability Retirement

You may not accept employment that requires membership in JRS or another public retirement system.

If you practice law or accept other gainful employment, other than a public office, while under age 70, your retirement allowance will be reduced so the total of your allowance and earnings does not exceed 75 percent of the current salary for your last judicial office. Monthly earnings must be reported to the Board of Administration by the eighth of the following month.

If you are under age 70 and you hold a public office which constitutes gainful employment, your retirement allowance will be permanently terminated.

If you are certified as recovered from your disability before you reach age 70, you are eligible for judicial assignment and may accept the judicial salary.

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Please Note

This information booklet has been produced for use by members and other interested persons for informal purposes only. Please note that the Judges' Retirement System is governed by the Judges' Retirement System Law, California Public Employees' Retirement Law, and the Internal Revenue Code, rules and regulations which are complex and subject to change. In the event of any conflict between those governing authorities and the information provided here, the governing authorities shall have precedence.

